



FY 2003 ANNUAL PERFORMANCE REPORT

GOVERNMENT PERFORMANCE and RESULTS ACT of 1993

March 2004

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INTRODUCTION

This document is the National Labor Relations Board's (NLRB) Annual Performance Report for FY 2003. The Report describes the performance results of the NLRB's measures in place under the Government Performance and Results Act (GPRA) during the FY 2003 period of October 1, 2002 through September 30, 2003. The Annual Plan, which describes the performance goals for FY 2005 and preliminary goals for FY 2006 through FY 2008, has been folded into the NLRB's FY 2005 performance budget that was submitted to Congress in February 2004. Performance goals for FY 2005 included in the performance budget, however, will also be described in this document.

Generally, FY 2003 results were very favorable. In the area of representation cases, the NLRB's Regional Offices exceeded performance goals for holding 90 percent of representation elections within 56 days of petitions being filed and all elections within 42 median days of the filing, issuing 85 percent of all post-election reports within 100 days from the date of election, and achieving voluntary election agreements for 85 percent of the petitions filed. In the area of unfair labor practice cases, the Agency was close to meeting its goal of settling 95 percent of its cases prior to formal litigation, and substantially exceeded performance goal time frames for achieving informal resolution of case disposition goals within its case prioritization (Impact Analysis) system. Hearings were opened 13 percent earlier than the 120-day median performance goal and administrative law judge decisions were issued substantially below the 62 median day standard.

Board case processing goals were adversely affected by frequent member turnover and vacancies early in the fiscal year. From October 1, 2002 through November 22, 2002, the full complement of five members was down to three Board members, including two recess appointees and one member whose term expired on December 16, 2002. For the period from November 23 through December 16, 2002, the Board had only one member and therefore was without a quorum to issue decisions. The NLRB had a full complement of five members for the first time since August 2000 on December 17, 2002. After Board Chairman Battista and his four colleagues took office and initiated their efforts, they took steps to focus on overage cases, facilitated processing of new cases, and increased emphasis on case streamlining procedures by the Board. Although the Board did not meet its end-of-year performance goals for reducing its inventory of pending cases, it is expected that performance in FY 2004 will improve based on the commitment of a full Board.

I. MISSION STATEMENT OF THE NLRB

The mission of the NLRB is to carry out the statutory responsibilities of the National Labor Relations Act (NLRA), the primary federal statute governing labor relations in the private sector, as efficiently as possible, in a manner that gives full effect to the rights afforded to employees, unions, and employers under the Act.

II. VISION STATEMENT

The NLRB strives to achieve a positive labor-management environment for the nation's employees, unions, and employers by assuring the free determination of union representation and by preventing and remedying statutorily-defined unfair labor practices. We maintain a customer-focused philosophy and a results-oriented way of doing business that will best serve the needs of the American people.

III. MAJOR GOALS

The primary function of the NLRB is the casehandling of charges and petitions filed voluntarily under the NLRA by individuals, employers or unions. The two major goals of the NLRB focus on the timeliness and effectiveness in addressing its caseload. The major goals are to:

- Resolve all questions concerning representation promptly, and
- Investigate, prosecute and remedy cases of unfair labor practices by employers or unions promptly.

IV. BACKGROUND INFORMATION

The NLRB is an independent federal agency created by Congress in 1935 to administer and enforce the National Labor Relations Act (NLRA), which is the primary federal statute governing labor relations in the private sector.¹ The purpose of the law is to serve the public interest by reducing interruptions in commerce caused by conflict between employers and employees. It seeks to do this by providing orderly processes for protecting and implementing the respective rights of employees, employers, and unions in their relations with one another. The Act embodies a bill of rights, which establishes freedom of association for the purposes of participating in the practice and procedure of collective bargaining. Under the Act, the NLRB has two primary functions: (1) to prevent and remedy statutorily defined unfair labor practices by employers and unions; and (2) to conduct secret-ballot elections among employees to determine whether the employees wish to be represented by a union.² The mission of the Agency is to carry out these statutory responsibilities as efficiently as possible, in a manner that gives full effect to the rights afforded to employees, unions, and employers under the Act.

The NLRB acts only on those cases brought before it, and does not initiate cases. All proceedings originate from the filings by employees, labor unions, and private employers who are engaged in interstate commerce. Almost 34,000 cases are received by the Board through its

¹ Major amendments to the Act were enacted in 1947 (the Taft-Hartley Amendments) and in 1959 (the Landrum-Griffin Amendments).

² See Attachment B for a detailed description of the types of cases handled by the Agency.

Regional, Subregional, and Resident Offices each year, with approximately 29,000 being unfair labor practice cases and the remaining 5,000 representation cases, which involve petitions to conduct secret ballot elections. Under the Act's procedures, the General Counsel investigates these 29,000 unfair labor practice cases, which result in a finding of no merit—no probable cause to support the charge—in about two-thirds of the cases. These decisions are made by the Regional Directors, who have been delegated substantive decision-making authority over these cases. Of those cases in which merit is found, approximately 95 percent are settled without formal litigation. It has long been the NLRB's belief that all parties are better served if disputes are settled without the need for time-consuming and costly formal litigation.

The Agency also provides an extensive information service to employers, employees, and unions outside the formal case procedures. Under its Information Officer (IO) Program, many potential charges that relate to matters outside the jurisdiction of the NLRB are directed to more appropriate federal or state agencies before extensive resources have been spent. In FY 2003, the total number of inquiries received was 188,751, an increase of 20 percent over the number received in FY 2002. Of the inquiries received, only 8,117 or 4.3 percent resulted in charges being filed by an employee, employer, union, or individual alleging that an unfair labor practice has been committed. This is an extraordinarily valuable service to the public, which at the same time conserves Agency resources for cases of greater potential merit. The NLRB launched a new toll free number (1-866-667-NLRB) in December 2003 that makes it easier for employees, employers, and unions to get help with questions and complaints of discrimination.

In addition to the unfair labor practice cases, the NLRB conducted over 2,659 elections in FY 2003 from the 5,000 representation cases in which a petition was filed. In 88.5 percent of elections conducted, the NLRB was able to negotiate agreements between the parties as to when, where, and who should be involved in the election, conserving resources that would otherwise be spent on a hearing. Hearings were required to resolve such issues in approximately 11.5 percent of the cases going to election.

V. THE STATUTORY STRUCTURE OF THE AGENCY: ROLE OF THE BOARD AND THE GENERAL COUNSEL

The NLRB's authority is divided by law and by delegation between the five-member National Labor Relations Board ("the Board") and the General Counsel, all of whom are appointed by the President subject to confirmation by the Senate.³ To carry out their respective functions, described below, the Board and the General Counsel maintain a headquarters in Washington, D.C. The Agency also maintains a network of Regional or "field" offices, each of which is under the direction of a Regional Director.⁴

The National Labor Relations Act assigns separate and independent responsibilities to the Board and the General Counsel, particularly in the prevention and remedying of unfair labor practices. This division of authority between the Board and the General Counsel is reflected in the

³ As of February 2004, there are 4 permanent Members and one recess appointment on the Board. The General Counsel's position is filled with a confirmed appointee.

⁴ Attachment E is an organizational chart of the Agency.

Agency's operations, thereby affecting the strategic and annual performance plans. An explanation of this division of authority between the Board and the General Counsel will help to provide an understanding of the operation of the Agency.

Unfair Labor Practice Proceedings⁵

Unfair labor practices are remedied through adjudicatory procedures under the National Labor Relations Act in which the Board and the General Counsel have independent functions. The role of the General Counsel is to investigate unfair labor practice charges filed by individuals and organizations and, if there is reason to believe that a charge has merit, to issue and prosecute a complaint against the charged party unless settlement is reached. With some exceptions, a complaint that is not settled or withdrawn is tried before an administrative law judge, who issues a decision which may be appealed by any party to the Board through the filing of exceptions. The Board acts in such matters as a quasi-judicial body, deciding cases on the basis of the formal trial record according to the statute and the body of case law that has been developed by the Board and the federal courts.

Congress created the position of General Counsel in its current form in the Taft-Hartley amendments of 1947. At that time, it gave the General Counsel sole responsibility -- independent of the Board -- to investigate charges of unfair labor practices, and to decide whether to issue complaints with respect to such charges. The Board, in turn, acts independently of the General Counsel in deciding unfair labor practice cases.

Under Section 10(l) of the Act, when the region's investigation of a charge yields reasonable cause to believe that a union has committed certain specified unfair labor practices such as a work stoppage or picketing with an unlawful secondary objective, the "regional officer or regional attorney" is *required*, on behalf of the Board, to seek an injunction from a U.S. District Court to halt the alleged unlawful activity. Section 10(j) of the Act provides that where the General Counsel has issued a complaint alleging that any other type of unfair labor practice has been committed, by a union or by an employer, the Board *may* direct the General Counsel to institute injunction proceedings if it determines that immediate interim relief is necessary to ensure the efficacy of the Board's ultimate order.

If the Board finds that a violation of the Act has been committed, the role of the General Counsel thereafter is to act on behalf of the Board to obtain compliance with the Board's order remedying the violation. Although Board decisions and orders in unfair labor practice cases are final and binding with respect to the General Counsel, they are not self-enforcing. The statute provides that any party (other than the General Counsel) may seek review of the Board's decision in the U.S. Courts of Appeals. In addition, if a party refuses to comply with a Board decision, the Board itself must petition for court enforcement of its order. In court proceedings to review or enforce Board decisions, the General Counsel represents the Board and acts as its attorney. Also, the General Counsel acts as the Board's attorney in contempt proceedings and when the Board seeks injunctive relief under Section 10(e) and (f) after the entry of a Board order and pending enforcement or review of proceedings in circuit court.

⁵ Attachment C is a chart on unfair labor practice case processing.

Representation Proceedings⁶

In contrast to unfair labor practice proceedings, representation proceedings conducted pursuant to the Act are not adversarial proceedings. Representation cases are initiated by the filing of a petition -- by an employee, a group of employees, an individual or a labor organization acting on their behalf, or in some cases by an employer. The petitioner requests an election to determine whether a union represents a majority of the employees in an appropriate bargaining unit and therefore should be certified as the employees' bargaining representative. The role of the Agency in such cases is to investigate the petition and, if necessary, to conduct a hearing to determine whether the employees constitute an appropriate bargaining unit under the Act. The NLRB must also determine which employees are properly included in the bargaining unit and therefore eligible to vote, conduct the election if an election is determined to be warranted, hear and decide any post-election objections to the conduct of the election, and, if the election is determined to have been fairly conducted, to certify its results.

In the processing of representation cases, the General Counsel and the Board have shared responsibilities. The Regional Offices, which are under the day-to-day supervision of the General Counsel, process representation petitions and conduct elections on behalf of the Board. As a result, the General Counsel and the Board have historically worked together in developing procedures for the conduct of representation proceedings. Although the Board has ultimate authority to determine such matters as the appropriateness of the bargaining unit and to rule on any objections to the conduct of an election, the Regional Directors have been delegated authority to render initial decisions in representation matters, which are subject to Board review.

Compliance Cases

In order to obtain compliance with the NLRB's Orders and Settlement Agreements, staff must follow up to ensure that the results of the processes discussed above are enforced. Staff must be prepared to work with employees whose rights have been violated to calculate backpay, work with respondents when terminated employees are entitled to reinstatement or having their records expunged in unlawful disciplinary actions, or monitor the bargaining process when the Board has ordered the parties to bargain. Noncompliance or disputes on findings may require additional hearings or actions by the judicial system.

Administrative Functions

Section 3(d) of the Act assigns to the General Counsel general supervision over all attorneys employed by the Agency, with the exception of the administrative law judges, who are under the general supervision of the Board, and the attorneys who serve as counsel to the Board members. The Board has also delegated to the General Counsel general supervision over the administrative functions of the Agency and over the officers and employees in the Regional Offices.

Under the General Counsel, the Division of Operations-Management has responsibility for the

⁶ Attachment D is a chart on representation case processing.

administration of the NLRB's field offices. Approximately 70 percent of the Agency's staff is employed in the Field Offices, where all unfair labor practice charges and representation petitions are initially filed. The Field Offices include 32 Regional Offices, 3 Subregional Offices, and 16 Resident Offices.

Effect of Division of Authority on Agency Performance

Although the General Counsel and the Board share a common goal of ensuring that the Act is fully and fairly enforced on behalf of all those who are afforded rights under the Act, the division of authority mandated by the Act necessarily means that the two branches of the Agency will have separate objectives, and separate strategies for achieving objectives relating to those aspects of their statutory functions which are uniquely their own. The statutory framework in the processing of unfair labor practices cases separates the prosecutorial functions of the General Counsel from the adjudicatory functions of the Board. The Board and the General Counsel, however, have worked together in developing one comprehensive strategic plan.

VI. EXTERNAL FACTORS AND AGENCY PERFORMANCE

Various external factors can affect each goal, objective, and performance measure contained in the NLRB's strategic and annual performance plans. These factors include the following:

Budget

Our goals assume the level of funding set forth in the President's budget request of \$248.785 million for FY 2005, which is \$6.2 million more than the FY 2004 appropriation of \$242.633 million. Requested resources will be targeted to achieve the results described in the FY 2005 performance budget and in this report. Funding for FY 2005 would continue to support the processing of the Agency's caseload.

Case Intake

The Agency does not control the number of cases filed. Public perceptions about unionization and the role of the Agency, employment trends, stakeholder strategies, the globalization of the economy, industrial economic trends, corporate reorganizations and the level of labor-management cooperation efforts can all have an impact on our intake and the complexity of our work. Difficult issues affecting our ability to achieve full compliance can arise when companies relocate or close, dissipate or hide assets, file for bankruptcy or reorganize or operate through a different corporate entity. An unexpected large increase in our intake or in the complexity of issues we handle may delay investigation or resolution of cases.

Case intake can fluctuate from year to year. Any major economic changes during FY 2004, as well as an increase in the activity of unions, could cause an increase in the FY 2005 case intake estimates. During FY 2003, intake for unfair labor practice cases decreased by 4.6 percent, from 30,177 in FY 2002 to 28,794 in FY 2003. Intake for representation cases in FY 2003 decreased by 13.2 percent from the FY 2002 level, decreasing from 5,696 to 4,944. The FY 2003 intake

levels, however, were similar to those in FY 2001 and FY 2000, which may indicate that the higher level in FY 2002 (7.7 percent greater than in FY 2001) was not indicative of the current trend. Thus, the FY 2003 level appears to be consistent with the longer-term pattern.

The following table compares total actual case intake for FY 1999 through FY 2003, with estimates for FY 2004 and 2005:

	<u>FY 1999</u>	<u>FY 2000</u>	<u>FY 2001</u>	<u>FY 2002</u>	<u>FY 2003</u>	<u>FY 2004 (est)</u>	<u>FY 2005 (est)</u>
ULP Cases	29,317	27,021	28,808	30,177	28,794	30,000	30,000
Representation Cases	6,005	5,936	5,413	5,695	4,944	6,005	6,005
TOTAL	35,322	32,957	33,284	35,872	33,738	36,005	36,005

Settlements

While the Agency has experienced outstanding success in achieving the voluntary resolution of representation and unfair labor practice cases, we cannot control the likelihood of these agreements. Disputes cannot always be resolved informally or in an expeditious manner. Parties may conclude that litigation serves their legitimate or tactical interests. The Agency's procedures provide for administrative hearings, briefs and appeals. When the process becomes formal and litigation takes over, Agency costs increase. Therefore, maintaining high settlement rates in a range over 90 percent promotes performance efficiency and cost savings, and most importantly, removes burdens on commerce by resolving labor disputes quickly.

Presidential Appointees

Another factor outside the control of the Agency is the timely confirmation of Presidential appointees. The assigned caseload of individual Board members rises and decisions in difficult or controversial cases may be delayed due to vacancies on the five-member Board. As the General Accounting Office pointed out in a 1991 analysis of Board production, Board member vacancies and turnover are the primary reason for delays in issuance of Board decisions. At the beginning of FY 2003, the full complement of five members was down to three Board members, including two recess appointees. For the period from November 23 through December 16, 2002, the Board had only one member and therefore was without a quorum to issue decisions. The NLRB had a full complement of five members for the first time since August 2000 on December 17, 2002.

These factors—lack of quorum, lack of full-Board complement, and new recess appointees—

delayed some Agency decisions and affected the achievement of some performance goals in FY 2003. The chart below shows the appointment and term expiration dates of the current Board members and General Counsel.

BOARD MEMBERS AND GENERAL COUNSEL

	<u>Appointed</u>	<u>Term Expiration</u>
Robert J. Battista Chairman	12/17/02	12/16/07
Wilma B. Liebman Member	12/17/02	8/27/06
Peter C. Schaumber Member	12/17/02	8/27/05
Dennis P. Walsh Member	12/17/02	12/16/04
Ronald Meisburg Member	1/12/04	Recess Appointment
Arthur F. Rosenfeld General Counsel	6/04/01	6/04/05

Human Resources

A well-trained professional and support staff is essential to the effective and efficient achievement of the Agency's mission and the meeting of its performance goals. The need to make the most efficient use of existing human resources and to attract qualified staff will become more critical in the next few years as a high percentage of the existing staff will be eligible to retire. The NLRB had 1,946 actual FTE in FY 2002 and 1,873 FTE in FY 2003. The estimated level of FTE for FY 2004 and FY 2005 is expected to be at 1,875 FTE. Approximately 41 percent of the workforce are attorneys, 19 percent field examiners, 18 percent other administrative and professional staff, and 22 percent support and technical staff. The Washington DC headquarters has approximately 600 employees, with the remaining staff located in 32 Regional Offices, 3 Subregional Offices, and 17 Resident Offices located throughout the country. Through its Regional Office field structure, the Agency has provided the public with easy access and direct contact with decision-makers. Over the next five years, approximately 33 percent of the workforce will be eligible for optional retirement. One-third of those eligible for optional retirement in the next five years are supervisors.

VII. RELIABILITY AND COMPLETENESS OF PERFORMANCE DATA

The National Labor Relations Board's performance measurement system to track case processing times has been highly regarded for decades and modeled by other federal agencies. Most data collected indicates how much time is spent in each step of the case processing "pipeline." The Agency does not rely on any outside sources for the data it uses in its performance measurement system.

This system has been incorporated into an electronic database called the Case Activity Tracking System (CATS). The CATS system is a critical part of the Agency's effort to modernize its casehandling information processing system and case tracking systems. The CATS system provides case activity and status information to all NLRB offices on approximately 34,000 new cases per year, as well as providing support for the functional and work requirements of the NLRB's attorneys, field examiners, managers, and support staff.

Each NLRB office is responsible for collecting performance measurement data and verifying it. Most of the performance information for the GPRA measures is obtained through CATS data generated to assess the status of the casehandling process initiated in the Regional Offices. Data about each case is collected and reported in all offices daily. Data and reports are available on-line to users at the Regional and National levels. Verification of the accuracy of the data collected occurs regularly in all Regional Offices, as most resource allocation decisions are made on the basis of these data. Several other automated and manual systems exist in headquarters offices that furnish data for several of the performance measures and NLRB management purposes. Systemic verification occurs monthly during management reviews and during various phases of the budget and GPRA reporting cycles. Performance data also is reviewed annually by management during the preparation of the Annual Performance Report. Databases are crosschecked and compared to historical trends to assure the validation and reliability of performance data.

Additionally, the Inspector General selectively verifies and validates performance measurement data each year. When pertinent to the conduct of ongoing audit activities, the Inspector General will also review performance measures to consider their appropriateness.

VIII. PROGRAM EVALUATION

The Agency has had an evaluation program in place for many years to assess the performance of its Regional operations. The Quality Review program of the Division of Operations-Management reviews unfair labor practices and representation case files on an annual basis to ensure that they are processed in accordance with substantive and procedural requirements and

that the General Counsel's policies are appropriately implemented. Those reviews have assessed, among other things, the quality and completeness of the investigative file, the implementation of the General Counsel's priorities in the areas of representation cases, Impact Analysis prioritization of cases, and compliance with Agency decisions. The results of the reviews are set forth in a written report and are incorporated into each Regional Director's annual performance appraisal. Additionally, personnel from the Division of Operations-Management conduct site visits during which they evaluate Regional casehandling and administrative procedures. The quality and timeliness of Regional work, and the Region's effectiveness in implementing the General Counsel's priorities are evaluated as part of the annual Regional Director's performance appraisal system.

In addition to the evaluation of Regional Office activities discussed above, the Office of the General Counsel monitors the litigation success rate before the Board and before district courts with regard to injunction litigation. The success rate before the Board has been approximately 80 percent and before the district courts it has been 85-90 percent. The Division of Operations-Management regularly reviews case decisions in order to determine the quality of litigation. Similarly, the Agency keeps abreast of its success rate before circuit courts of appeals and analyzes case decisions in order to ensure quality in its litigation. Other branches and offices, such as the Office of Appeals, Division of Advice, Contempt Litigation and Compliance Branch and Office of Representation Appeals, provide valuable insight and constructive feedback on the performance and contributions of Field Offices. While these on-going evaluation activities take place, no formal evaluations were completed during FY 2003.

IX. GOALS, OBJECTIVES, STRATEGIES AND PERFORMANCE MEASURES

The following discussion reviews the existing goals, objectives and strategies for the NLRB. Following this discussion, the next section will look at each measure, including background information and performance targets, as well as analysis of FY 2003 performance as part of the Annual Performance Report.

GOAL NO. 1: Resolve questions concerning representation promptly.

OBJECTIVES

The Act recognizes and expressly protects the right of employees to freely and democratically determine, through a secret ballot election, whether they want to be represented for purposes of collective bargaining by a labor organization. In enforcing the Act, the Agency does not have a stake in the results of that election, it merely seeks to ensure that the process used to resolve such questions allows employees to express their choice in an open, uncoerced atmosphere. The NLRB strives to give sound and well-supported guidance to all parties and to the public at large with respect to representation issues. Predictable, consistent procedures and goals have been established to better serve our customers and avoid unnecessary delays. The Agency will process representation cases promptly in order to avoid unnecessary disruptions to commerce and minimize the potential for unlawful or objectionable conduct.

The objectives are to:

- A. Encourage voluntary election agreements by conducting an effective stipulation program.
- B. Conduct elections promptly.
- C. Issue all representation decisions in a timely manner.
- D. Afford due process under the law to all parties involved in questions concerning union representation.

STRATEGIES:

- 1. Give priority in timing and resource allocation to the processing of cases that implicate the core objectives of the Act and are expected to have the greatest impact on the public.
- 2. Evaluate the quality of representation casework regularly to provide the best possible service to the public.
- 3. Give sound and well-supported guidance to the parties, and to the public at large, on all representation issues.
- 4. Share best practices in representation case processing to assist regions in resolving representation case issues promptly and fairly.
- 5. Identify and utilize alternative decision-making procedures to expedite Board decisions in representation cases, e.g. superpanels.
- 6. Ensure that due process is accorded in representation cases by careful review of Requests for Review, Special Appeals and Hearing Officer Reports, and where appropriate, the records in the cases.
- 7. Analyze and prioritize the critical workforce skill needs of the Agency and address these needs through training and effective recruitment in order to achieve Agency goals.
- 8. Provide an information technology environment that will provide NLRB employees with technology tools and access to research and professional information comparable to that available to their private sector counterparts.

GOAL #2: Investigate, prosecute and remedy cases of unfair labor practices by employers or unions promptly.

OBJECTIVES

Certain conduct by employers and labor organizations leading to workplace conflict has been determined by Congress to burden interstate commerce and has been declared an unfair labor practice under Section 8 of the National Labor Relations Act. This goal communicates the Agency's resolve to investigate charges of unfair labor practice conduct fairly and expeditiously. Where violations are found, the Agency will provide such remedial relief as would effectuate the policies of the Act, including, but not limited to, ordering reinstatement of employees; making employees whole, with interest; bargaining in good faith; and ordering a respondent to cease and desist from the unlawful conduct. The Agency will give special priority to resolving disputes with the greatest impact on the public and the core objectives of the Act. These objectives are to:

- A. Conduct thorough unfair labor practice investigations and issue all unfair labor practice decisions in a timely manner.
- B. Give special priority to disputes with the greatest impact on the public and the core objectives of the Act.
- C. Conduct effective settlement programs.
- D. Provide prompt and appropriate remedial relief when violations are found.
- E. Afford due process under the law to all parties involved in unfair labor practice disputes.

STRATEGIES:

- 1. Take proactive steps to disseminate information and provide easily accessible facts and information to the public about the Board's jurisdiction in unfair labor practice matters and the rights and obligations of employers, employees, unions, and the Board under the Act.
- 2. Evaluate the quality of unfair labor practice casework regularly to provide the best possible service to the public.
- 3. Utilize impact analysis to provide an analytical framework for classifying unfair labor practice cases in terms of their impact on the public so as to differentiate among them in deciding both the resources and urgency to be assigned to each case.

4. Share best practices in the processing of unfair labor practice cases to assist regions in resolving unfair labor practice issues promptly and fairly.
5. Emphasize the early identification of remedy and compliance issues and potential compliance problems in merit cases; conduct all phases of litigation, including settlement, so as to maximize the likelihood of obtaining a prompt and effective remedy.
6. Utilize injunctive proceedings to provide interim relief where there is a threat of remedial failure.
7. Emphasize and encourage settlements as a means of promptly resolving unfair labor practice disputes at all stages of the casehandling process.
8. Identify and utilize alternative decision-making procedures to expedite Board decisions in unfair labor practice cases.
9. Analyze and prioritize the critical workforce skill needs of the Agency and address these needs through training and effective recruitment in order to achieve Agency goals.
10. Provide an information technology environment that will provide NLRB employees with technology tools and access to research and professional information comparable to that available to their private sector counterparts.

Performance Measures and FY 2003 Results

GOAL #1: RESOLVE ALL QUESTIONS CONCERNING REPRESENTATION PROMPTLY.

1. Issue certifications in representation cases within 60 median days of filing of petition.

BACKGROUND:

This was a new measure for FY 2003. It is an effort to look at the overall representation process in order to incorporate the functions of the entire Agency. An employer, labor organization, or a group of employees may file a petition in a NLRB Regional Office requesting an election to determine whether a majority of employees in an appropriate bargaining unit wish to be represented by a labor organization. When a petition is filed, the Agency works with the parties toward a goal of reaching a voluntary agreement regarding the conduct of an election. If a voluntary agreement is not possible, the parties present their positions and evidence at a formal hearing. The NLRB Regional Director issues a decision after review of the transcript of the hearing and the parties' legal argument, either dismissing the case, or directing an election. If the parties in the case disagree with the Regional Director's decision, they may appeal that decision to the Board for review. Prompt elections are desirable because an expeditious determination affords employers, employees, and unions a more stable environment and promotes the adjustment of industrial disputes. This measure reflects the number of median days from the filing of a petition to the date of certification. Certification is the issuance of a document by the NLRB certifying the results of the election, either to elect a union representative or not to have union representation. This measure includes approximately 300 post-election cases that are appealed to the Board.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003		FY 2004 Projection
			Plan	Actual	
N/A	w/in 54 median days	w/in 53 median days	w/in 60 median days days	w/in 52 median	w/in 60 median days
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
W/in 60 median days		w/in 60 median days	w/in 60 median days		w/in 60 median days

FY 2003 Analysis of Results

The Agency exceeded the standard 60 day median in FY 2003 with a result of 52 median days. The success in exceeding the planned level can be attributed, in part, to the Agency's achievement in obtaining voluntary election agreements, where the parties mutually agree to an

election date. Voluntary election agreements typically provide for the election to be held within six weeks after the filing of the petition. Also, the Agency has focused on resolving post-election matters as expeditiously as possible, thereby reducing further the time necessary to reach a final determination on issues affecting the election and expediting the certification process.

2. Hold 90 percent of all representation elections within 56 days of filing of a petition.

BACKGROUND:

An employer, labor organization, or a group of employees may file a petition in a NLRB Regional Office requesting an election to determine if a majority of employees wish to be represented by a labor organization for the purpose of collective bargaining. When a petition is filed, the Agency works with the parties toward a goal of reaching a voluntary agreement on the conduct of an election. If a voluntary agreement is not possible, the parties present their positions and evidence at a formal hearing. After review of the transcript of the hearing and the parties' legal argument, the Regional Director issues a decision, either dismissing the case, or directing an election. If the parties to the case disagree with the Regional Director's decision, they may appeal that decision to the Board for review. Prompt elections are desirable because an expeditious determination affords both employers and unions a more stable environment and promotes the adjustment of industrial disputes. This measure looks at the timeliness of Agency performance for most representation elections.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003		FY 2004 Projection
			Plan	Actual	
86% of elections held w/in 56 days	86.7% of elections held w/in 56 days	90.7% of elections held w/in 56 days	90% of elections held w/in 56 days	92.5% of elections held w/in 56 days	90% of elections held w/in 56 days
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
90% of elections held w/in 56 days		90% of elections held w/in 56 days	90% of elections held w/in 56 days		90% of elections held w/in 56 days

FY 2003 Analysis of Results

The Agency successfully met this goal due to the efforts of Regional Directors to direct elections very soon after the close of representation case hearings and Regional Offices efficiencies in processing cases through to election or hearing without delay.

3. Hold elections within 42 median days of filing petition.

BACKGROUND:

This measure is very similar to the previous one, but it has been the traditional Agency measure for performance in this part of the casehandling process. As described previously, an employer, labor organization, or a group of employees may file a petition in a NLRB Regional Office requesting an election to determine if a majority of employees wish to be represented by a labor organization for the purpose of collective bargaining. When a petition is filed, the Agency works with the parties toward a goal of reaching a voluntary agreement on the conduct of an election. If a voluntary agreement is not possible, the parties present their positions and evidence at a formal hearing. After review of the transcript of the hearing and the parties' legal argument, the Regional Director issues a decision, either dismissing the case, or directing an election. If the parties to the case disagree with the Regional Director's decision, they may appeal that decision to the Board for review. Prompt elections are desirable because an expeditious determination affords both employers and unions a more stable environment and promotes the adjustment of industrial disputes.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003		FY 2004 Projection
			Plan	Actual	
42 median days	41 median days	41 median days	42 median days	40 median days	42 median days
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
42 median days		42 median days	42 median days		42 median days

FY 2003 Analysis of Results

Although this was a new measure for FY 2003, the Agency exceeded the goal for holding elections within 42 median days after the filing of the petition. The holding of elections as soon as possible after the filing of the petition provides employees, employers, and unions the prompt resolution of questions.

4. Issue 85 percent of all post-election reports within 100 days from the date of the election, or in the case of objections, from the date they are filed.

BACKGROUND:

After the NLRB conducts an election to resolve a representation case, a union may be certified if it receives a majority of the votes cast, or the results may be certified if no union received a majority of the ballots. In elections where a party objects to the outcome of the election or challenges are posed to the eligibility of a determinate number of voters, the Board's post-election procedures offer the parties an opportunity to present their evidence and arguments. If the parties involved file objections to the election, and there is merit to their objections, a second election is ordered. Post-election determinations by the Regional Director or a hearing officer about election results can be

appealed to the Board, thus lengthening the time to determination. This performance measure establishes a goal for the Regions to issue 85 percent of post-election reports within 100 days of the election in cases involving challenged ballots and within 100 days of the filing of objections to the election.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003 Plan Actual		FY 2004 Projection
N/A	80.7% w/in 100 days	82% w/in 100 days	85% w/in w/in 100 days	85.7% 100 days	85% w/in 100 days
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
85% w/in 100 days		85% w/in 100 days	85% w/in 100 days		85% w/in 100 days

FY 2003 Analysis of Results

The Agency was successful in meeting the performance goal in this area in FY 2003. Post-election issues typically involve sophisticated and difficult issues, and are often accompanied by filing of related unfair labor practice cases that must be investigated before the post-election matter can be resolved. Although every effort is directed toward minimizing the effect of such filings, disposition of each case is determined by the particular factual circumstances.

5. Achieve voluntary representation election agreements for 85 percent of the petitions filed.

BACKGROUND:

When a petition to hold an election is filed, the Regional Director conducts an investigation and, if necessary, will hold a hearing. However, the NLRB encourages employers and unions to enter voluntary agreements to hold elections in order to avoid the time and cost involved in a formal hearing. It is the NLRB's goal to obtain voluntary election agreements not less than 85 percent of the time.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003 Plan Actual		FY 2004 Projection
89%	87.7%	87.2%	85%	88.5%	86%
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
85%		85%	85%		85%

FY 2003 Analysis of Results

The Agency exceeded its goal for obtaining voluntary election agreements. Success in this area normally ensures the timely resolution of questions concerning representation without litigation. The Agency will continue to train field agents in the best techniques to work with the parties to utilize election agreements wherever appropriate.

6. Issue ruling on requests for review of Regional Director decisions within a 14-day median.

BACKGROUND:

Before a representation election is held, parties may file with the Board a request for review of the Regional Director's decision to hold an election. If the Board has not ruled on a request for review by the date of the election, the election is conducted, but the ballots are impounded. It is the Board's policy to rule on all requests for review, to the maximum extent possible, before the election date in order to allow the ballots to be counted in all cases in which the Board denies review. It is the Board's goal to continue to issue these review decisions within 14 median days from receipt. However, it has been determined that there is no need to maintain this as a GPRA performance measure after FY 2004.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003 Plan Actual		FY 2004 Projection
12 day median	13 day median	13 day median	14 day median	14 day median	14 day median
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
N/A		N/A	N/A		N/A

FY 2003 Analysis of Results

Review decisions were issued by the Board within the 14-day median, and therefore met the goal established in the plan. This has been dropped as a GPRA measure for FY 2005 and beyond, but will continue to be used as an internal management goal.

7. Issue all test-of-certification decisions in an 80-day median from filing of charge by FY 2008.

BACKGROUND:

If after an election is held, and an employer refuses to bargain with the union certified by the election and the union files a charge, the Board must render what is called a test-of-certification decision. This procedure is the only statutorily approved method by which an employer can appeal a Board decision in an election case. Because all relevant legal issues should have been litigated during the phase of the case leading to the election itself, this test-of-certification decision can be rendered without a hearing and in a

summary proceeding brought by the General Counsel before the NLRB Board.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003 Plan Actual		FY 2004 Projection
97 day median	101 day median	135 day median	95 day median	114 day median	90 day median
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
90 day median		90 day median	90 day median		80 day median

FY 2003 Analysis of Results

Performance was improved over FY 2002, but the 95 median day performance goal for FY 2003 was not met primarily due to the loss of a Board quorum during the first quarter of the year. During FY 2003, the Board was at full complement for only 8.5 months, from mid-December 2002 through late August 2003. The frequent member turnover and vacancies continue to have a substantial impact on the processing of cases requiring Board action. The Board vacancy at the end of FY 2003 and the first quarter of FY 2004 may also affect FY 2004 performance.

8. Decide 90 percent of representation cases pending at the Board for more than 12 months.

BACKGROUND:

Once a representation election has been held and the NLRB Regional Director has determined the results of the election, any of the parties involved may appeal the Regional Director's decision to the Board. If the decision of the Regional Director is appealed, the Board reviews the election and certification occurs after the Board decision. The Board's goal is to dispose of 90 percent of all representation cases that have been pending before it for more than 12 months. The goal was modified slightly for FY 2005 and beyond to more realistically reflect potential performance.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003 Plan Actual		FY 2004 Projection
100% of cases	100% of cases	90% of cases pending	100% pending	67% pending	100% of cases pending over

pending over 20 mos	pending over 18 mos	over 12 months	over 12 months	over 12 months	12 months
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
90% of cases pending over 12 months		90% of cases pending over 12 months	90% of cases pending over 12 months		90% of cases pending over 12 months

FY 2003 Analysis of Results

The Board issued 126 of 188 representation cases that were over 12 months old during FY 2003, resulting in a 67 percent performance rate. The 100 percent goal was not met due to the fact that the Board had less than a full complement of five members for 8.5 months of the fiscal year and a significant number of representation cases were waiting for lead cases reconsidering precedent and legal differences. The measure has been slightly revised for FY 2005 to more realistically reflect potential performance.

9. Conduct quality reviews in 100 percent of the Regional Offices each year.

BACKGROUND:

The National Labor Relations Board is not only concerned about how quickly cases move through its pipeline but the quality level of case handling. This issue of quality control is critical to the Agency and its stakeholders, and its importance is emphasized and reaffirmed by this performance goal. The General Counsel's Division of Operations-Management randomly selects Regional unfair labor practice and representation case files for quality review. The quality review process referred to in this performance measure is conducted in all 32 of the NLRB's Regional Offices and involves the review of case files that would not otherwise be seen by Agency managers.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003 Plan Actual		FY 2004 Projection
100% of regions	100% of regions	100% of regions	100% of regions	100% of regions	100% of regions
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
100% of regions		100% of regions	100% of regions		100% of regions

FY 2003 Analysis of Results

The goal for FY 2003 was achieved. Agency managers recognize that measures describing the timeliness of actions must be considered in conjunction with quality measures to assess the

Agency's effectiveness in achieving its mission. The annual quality review procedure is only part of a quality control system that affords managers an opportunity to address trends and areas of concern relating to case handling and to balance the need for expeditious action with quality decision-making. Quality review reports were provided to the General Counsel summarizing an evaluation of randomly selected representation case files for all 32 Regions.

**GOAL #2: INVESTIGATE, PROSECUTE AND
REMEDY CASES OF UNFAIR LABOR PRACTICES BY
EMPLOYERS OR UNIONS PROMPTLY.**

1. Achieve informal resolution of unfair labor practice cases within a median time of 70 days by FY 2008.

BACKGROUND:

This is an overarching measure that is designed to cover a larger piece of the casehandling pipeline and all of the NLRB divisions and offices that are involved in the decision process. Current performance measures primarily look at the impact that individual Agency branches have on casehandling timeframes. After an individual, employer, or union files an unfair labor practice charge, a Regional Director evaluates it for merit and decides whether or not to issue a complaint. Complaints not settled or withdrawn are litigated before an administrative law judge, whose decision may be appealed to the Board. This measure covers the time from the filing of the charge through informal resolution, which disposes 90 percent of all cases, but does not include any cases litigated before administrative law judges and appeals to the Board.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003		FY 2004 Projection
			Plan	Actual	
N/A	w/in 94 median days	w/in 82 median days	w/in 90 median days days	w/in 68 median	w/in 80 median days
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
w/in 80 median days		w/in 70 median days	w/in 70 median days		w/in 70 median days

FY 2003 Analysis of Results

This performance goal has been met faster than anticipated and may require a reexamination of the planned performance measure next year.

2. Resolve 90 percent of unfair labor practice cases within established Impact Analysis time frames.

BACKGROUND:

NLRB has created a system, Impact Analysis, to prioritize the processing of unfair labor practice cases based on their public impact and how closely they relate to the Agency's core mission. This Impact Analysis system has been used to classify cases into three categories, with Category III being the highest priority. Usually Category III cases involve significant issues, large-scale labor unrest, or high economic impact. NLRB has set goals for the number of days within which a disposition should be reached for each category, beginning on the day a ULP charge is filed. If a disposition on the case has not been reached within that timeframe it is considered "overage" – for Category III the standard is 49 days (seven weeks), for Category II, 63 days (9 weeks) and for Category I, 84 days (12 weeks). NLRB's goal is to reduce the percentage of overage cases in each category to the lowest possible percentage, and reach and maintain a 90 percent level for all categories. Cases which cannot be processed within the time lines established under the Impact Analysis program for reasons that are outside the control of the Regional Office are not considered to be overage.

	FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003 Plan Actual	FY 2004 Projection
Cat. III	88.5%	91.2%	92.9%	90% 95.7%	90%
Cat. II	85.1%	88.7%	93.3%	87% 97.3%	88%
Cat. I	87.8%	92.7%	94.0%	86% 99.3%	87%

	FY 2005 Projection	FY 2006 Projection	FY 2007 Projection	FY 2008 Projection
Cat. III	90%	90%	90%	90%
Cat. II	89%	90%	90%	90%
Cat. I	88%	90%	90%	90%

FY 2003 Analysis of Results

The goal for each category of unfair labor practice cases in FY 2003 was exceeded. This performance is particularly noteworthy because FY 2003 was the first full fiscal year that adjustments were made to the Impact Analysis Program greatly expanding the number of Category III and II cases and decreasing the number of Category I cases, resulting in shorter timelines for these cases. Improved case tracking software further assisted in this effort by making performance information available in a more timely fashion, so that managers are immediately aware of performance lapses and can take immediate action to remedy any

problems. Continued success in achieving these performance levels may require a reexamination of the planned performance goals.

3. Settle 95 percent of meritorious unfair labor practice charges consistent with established standards.

BACKGROUND:

Once a Regional Director has determined an unfair labor practice charge has merit, it is scheduled for a hearing date before an administrative law judge. However, the pursuit of a settlement by the NLRB begins immediately. Litigation is a costly process for the parties and the Agency has consistently focused on settlements to ensure efficient use of its own resources, obtain timely and effective remedies, and reduce the cost of litigation for the parties. Successive General Counsels have pursued an aggressive settlement program to ensure that the Agency is utilizing its resources in the most efficient manner possible. For every 1 percent increase in the settlement rate, the NLRB estimates an approximate \$2 million in cost avoidance to the Agency per year. The NLRB attributes this high settlement rate to several activities at the Regional level - a careful charge acceptance procedure, thorough investigations, careful merit determinations, and an active settlement program. The settlement rate is also attributable to a high success rate for the General Counsel during litigation.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003 Plan	FY 2003 Actual	FY 2004 Projection
95%	96.5%	93.7%	95%	92.8%	95%
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
95%		95%	95%		95%

FY 2003 Analysis of Results

The Agency came close to meeting the 95 percent planned level with an actual rate of 92.8 percent. The NLRB's emphasis on obtaining voluntary settlements is key to the achievement of the Agency's mission. Such settlements ensure the parties' commitment to the resolution of their issues and conserve Agency resources. Settlements typically provide remedies to aggrieved parties earlier and more effectively than formal litigation.

4. Open hearings within 120 median days from the issuance of complaint.

BACKGROUND:

When an unfair labor practice complaint is found to have merit by a Regional Director, a date for a hearing before an Administrative Law Judge is scheduled. As part of its mission to provide decisions promptly, the Agency aims to shorten the median number of days between the setting of a hearing date when a formal complaint is filed and the

opening of a hearing. Delays mean witnesses may be harder to locate, and their memories and thus their testimony may become less reliable. In addition, delays may result in parties becoming more intransigent in their positions and less likely to settle.

The wording of this measure reflects an adjustment that has been made to this measure beginning in FY 2002. Through FY 2001, this measure focused on the time elapsed from the issuance of a complaint to the close of a hearing. The end point of the measure has been changed to the opening of the hearing in order to be consistent with existing NLRB data collection and performance management systems. It also focuses the goal on performance within the Agency's control. Once a hearing is opened, many intervening factors can affect the closing date of a hearing.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003 Plan Actual		FY 2004 Projection
132 median days to close of hearing	140 median days to close of hearing	121 median days to open of hearing	120 median days to open of hearing	104 median days to of hearing	120 median days to open of hearing
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
120 median days to open of hearing		120 median days to open of hearing	120 median days to open of hearing		120 median days to open of hearing

FY 2003 Analysis of Results

The performance for FY 2003 well exceeded the planned level and the long-term goal of opening hearings within 120 median days from the issuance of a complaint. Continued success in achieving these goals requires a reexamination of the goals to determine whether they should be tightened.

5. Issue 60 percent of sustained appeals decisions within 90 days of receipt of the appeal of the Regional Directors' dismissal of the charge.

BACKGROUND:

If a Regional Director dismisses an unfair labor practice charge, it can be appealed to the Office of Appeals, which could reverse the Regional Director's decision with the instruction to issue a complaint, absent settlement. Of the 3,000 cases per year that are appealed, about 2-5 percent are reversed by the Office of Appeals.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003 Plan Actual		FY 2004 Projection
54.5% w/in 120 days	68% w/in 120 days	72% w/in 120 days	60% w/in 110 days	63% w/in 110 days	60% w/in 90 days
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
60% w/in 90 days		60% w/in 90 days	60% w/in 90 days		60% w/in 90 days

FY 2003 Analysis of Results

The performance goal was exceeded by 3 percent. A prompt decision on a sustained appeal is very important because delays in case processing decrease the likelihood of a successful outcome.

6. Achieve a 25 median day case processing time, excluding deferral time, for closing those Advice cases where the General Counsel recommended Section 10(j) injunction proceedings. Additionally, close 90 percent of these cases within 30 actual days, excluding deferral time, by FY 2008.

BACKGROUND:

In certain unfair labor practice cases, the NLRB Regional Director may request authorization to file an injunction in U. S. District Court to prevent what the Director views as conduct that will do irreparable harm while the case is being litigated. Regional Directors submit a request for authorization to the Division of Advice. If the General Counsel agrees injunctive relief is warranted, he asks the Board for authorization to institute injunction proceedings. If the Board approves, the Region files for an injunction in the relevant U.S. District Court. This measure excludes deferral time (time waiting) for Regional Offices to provide additional information about the cases to the Division of Advice that may be needed to present the case to the Board.

This measure was slightly revised for FY 2003. The original measure had a goal of closing 95 percent of Advice cases within 25 days of receipt from Regional Offices. The

revised measure focuses on closing all cases, but uses median days as the time factor. Therefore, the data between FY 2002 and FY 2003 in the chart below changes significantly. The second part of the measure (30 days) focuses on actual days as the time factor.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003		FY 2004 Projection
			Plan	Actual	
61.1% closed w/in 25 days	67.4% closed w/in 25 days	46.2% closed w/in 25 days	Close all cases w/in 25 median days	Close all cases w/in 30.5 median days	Close all cases w/in 25 median days
88.3% closed w/in 30 days	88.4% closed w/in 30 days	53.9% closed w/in 30 days	87% closed w/in 30 days	50% closed w/in 30 days	88% closed w/in 30 days
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
Close all cases w/in 25 median days		Close all cases w/in 25 median days	Close all cases w/in 25 median days		Close all cases w/in 25 median days
89% closed w/in 30 days		90% closed w/in 30 days	90% closed w/in 30 days		90% closed w/in 30 days

FY 2003 Analysis of Results

The cases included in this measure closed in a median of 30.5 days rather than the goal of 25 median days. Additionally, 50 percent rather than 87 percent of the 10(j) cases were closed within 30 actual days. The shortfall resulted from an increased workload for the Injunction Litigation Branch due to an unusually large amount of Section 10(l) litigation. A reallocation of staff resources also led to the shortfall.

7. Issue administrative law judge decisions within 62 median days from the receipt of briefs or submissions after the close of a hearing.

BACKGROUND:

After a Regional Director determines action should be taken on a case, the Regional Director issues a formal complaint and schedules a hearing before an administrative law judge. After presiding over a full-scale hearing, which lasts an average of about three days, the judge usually provides for the subsequent filing of briefs. In a small number of cases, oral argument may be substituted for the filing of briefs. The judge then issues a decision. This measure is based from the date of receipt of the briefs or submissions after the close of the hearing to the issuance of the ALJ decision. Although the goal of issuing decisions within 62 median days has been substantially exceeded in FY 2001 and FY

2002, the goal represents a historical standard that is a good indicator of performance without compromising the quality of judges' decisions.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003 Plan Actual		FY 2004 Projection
56 median days	42 median days	27 median days	62 median days	33 median days	62 median days
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
62 median days		62 median days	62 median days		62 median days

FY 2003 Analysis of Results

The Division of Judges issued its decisions in a median time of 33 days from the receipt of briefs or submissions. This was a slight increase from the record low of the year before, but well within the GPRA goal.

8. File applications for enforcement within 30 median days from referral by the Regional Director.

BACKGROUND:

After an Administrative Law Judge's decision is appealed to the Board, the Board considers the case and issues a final order resolving an unfair labor practice (ULP) case. Board orders are not self-enforcing, and therefore, absent voluntary compliance, the Board must secure enforcement of its order by an appropriate U. S. Court of Appeals. The Appellate Court Branch handles all litigation in the courts of appeals seeking review or enforcement of final Board orders. Cases come to the Branch in two ways. A party aggrieved by the Board's final order may file a petition for review in an appropriate court of appeals. A majority of cases handled in the Branch are initiated by parties seeking review of Board orders. No goal has been set for review cases because the courts control the processing of their dockets. The second avenue is referral of the case from the Regional Office, if the Region cannot secure compliance in the period immediately following the Board's order. Upon referral to the Branch, a determination is made whether to continue to pursue compliance or to initiate court proceedings by filing an application for enforcement. The Agency's goal for FY 2003 was to file all applications for enforcement within 40 median days of a Regional referral.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003 Plan Actual		FY 2004 Projection
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N/A	65.5% w/in 50 days	88 median days	40 median days	21 median days	35 median days
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
30 median days		30 median days	30 median days		30 median days

FY 2003 Analysis of Results

Applications for enforcement were filed within 21 median days, exceeding the performance goal of 40 median days. A total of 30 applications for enforcement were filed.

9. Reduce the number of unfair labor practice cases pending decision at the Board to 300 by FY 2007.

BACKGROUND:

The vast majority of the Board's unfair labor practice (ULP) cases arise after an administrative law judge rules on an unfair labor practice complaint. Any party in the case can appeal the administrative law judge's decision to the Board. The Board's goal is to reduce the number of ULP cases pending at the Board level from 650 cases in FY 1999. This performance measure will be deleted after FY 2004. It was felt that that this measure was duplicative of the percentage measure which follows.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003 Plan Actual		FY 2004 Projection
518 cases	408 cases	471 cases	375 cases	459 cases	375 cases
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
N/A		N/A	N/A		N/A

FY 2003 Analysis of Results

The number of unfair labor practice cases pending before the Board declined from 471 cases at the beginning of FY 2003 to 459 at the end of the fiscal year. Although the goal of reducing the pending cases to 375 was not met, it is significant that the Board dramatically reduced the number of pending unfair labor practice cases from a high of 577 cases in April 2003 to 459 at the end of the fiscal year. The number of pending cases rose early in the fiscal year due to the fact that from October 1, 2002 through November 22, 2002, the full complement of five Board members was down to three Board members, including two recess appointees and one member whose term expired on December 16, 2002. For the period from November 23 through December 16, 2002, the Board had only one member and therefore was without a quorum to issue decisions. The NLRB had a full complement of five members for the first time since August 2000 on December 17, 2002. Once the Chairman and his four colleagues initiated their

efforts, they took steps to focus on overage cases, facilitated processing of new cases, and increased emphasis on case streamlining procedures. It has been decided, however, that this measure would be deleted after FY 2004 and that the following measure is a better barometer of the Board's performance.

10. Decide 90 percent of unfair labor practice cases pending at the Board for over 16 months by FY 2008.

BACKGROUND:

The amount of time unfair labor practice (ULP) cases wait for a Board decision impacts the interests of the parties, and the public. The goal for FY 2005 and beyond was slightly modified to 90 percent of the universe of pending cases to more accurately reflect potential performance levels.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003 Plan Actual		FY 2004 Projection
78% reduction of pending cases over 30 months	100% reduction of pending cases over 24 months	53.8% reduction of pending cases over 20 months	100% reduction of pending cases over 18 months	46% reduction of pending cases over 18 months	100% reduction of pending cases over 18 months
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
90% reduction of pending cases over 17 months		90% reduction of pending cases over 17 months	90% reduction of pending cases over 17 months		90% reduction of pending cases over 16 months

FY 2003 Analysis of Results

The Board issued decisions on 387 contested unfair labor practice cases during FY 2003. The Board disposed of 153 cases of 333 that were pending for more than 18 months, resulting in a 46 percent reduction of the target group of cases. The 100 percent reduction target was not met due to the frequent member turnover and vacancies that had a substantial impact on the processing of cases. From October 1, 2002 through November 22, 2002, the full complement of five members was down to three Board members, including two recess appointees and one member whose term expired on December 16, 2002. For the period from November 23 through December 16, 2002, the Board had only one member and therefore was without a quorum to issue decisions. The NLRB had a full complement of five members for the first time since August 2000 on December 17, 2002. Once the Chairman and his four colleagues initiated their efforts, they took steps to focus on overage cases, facilitated processing of new cases, and increased emphasis on case streamlining procedures.

11. Resolve compliance cases within established Impact Analysis guidelines.

BACKGROUND:

After an administrative law judge's decision is appealed to the Board, the Board considers the case and issues a final order resolving an unfair labor practice (ULP) case. If the respondent refuses to voluntarily comply with the Board's order, the Board must seek enforcement of its order in an appropriate U. S. Court of Appeals. Ordinarily the Regional Office will attempt to secure compliance in the 30-day period following the Board's order. If compliance cannot be obtained, the Region will refer the case to the Appellate Court Branch of the Division of Enforcement Litigation.

Regional Directors are responsible for effectuating compliance with administrative law judge's decisions, Board orders, and court judgments resulting from cases filed in their Regions. The Agency has set goals to ensure the orders that result from its litigation or Board directives are implemented promptly, since the passage of time can reduce the effectiveness of its remedies. The time is measured beginning on the date a decision, order, or judgment is received. Cases which cannot be processed within the timelines established under the Impact Analysis program for reasons that are outside the control of the Regional Office, such as bankruptcy proceedings or other related litigation are not considered to be overage. The following are the current processing time targets: Category III--91 days, Category II—119 days, Category I—147 days.

	FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003		FY 2004 Projection
				Plan	Actual	
Cat. III	89.6% @ 91 days	95.3% @ 91 days	95.2% @ 91 days	91% @ 91 days	96.1% @ 91 days	95% @ 91 days
Cat. II	87.1% @ 119 days	96.9% @ 119 days	95.1% @ 119 days	88% @ 119 days	95.4% @ 119 days	95% @ 119 days
Cat. I	92.0% @ 147 days	98.5% @ 147 days	98.0% @ 147 days	90% @ 147 days	97.3% @ 147 days	98% @ 147 days

	FY 2005 Projection	FY 2006 Projection	FY 2007 Projection	FY 2008 Projection
Cat. III	95% @ 91 days	95% @ 91 days	95% @ 91 days	95% @ 91 days
Cat. II	95% @ 119 days	95% @ 119 days	95% @ 119 days	95% @ 119 days
Cat. I	98% @ 147 days	98% @ 147 days	98% @ 147 days	98% @ 147 days

FY 2003 Analysis of Results

The goal for each category was exceeded. These very positive results are attributed to ongoing efforts to monitor the status of cases at the highest level and the redirection of resources to Regions experiencing extremely heavy case loads. In addition, there are ongoing efforts to provide training to Regional Office personnel to utilize best practices to process cases as efficiently as possible. The Agency appears well-situated to achieve long-term goals in this performance area.

12. Conduct quality reviews in 100 percent of the Regional Offices each year.

BACKGROUND:

The National Labor Relations Board is not only concerned about how quickly cases move through its pipeline but the quality level of casehandling. The General Counsel's Division of Operations-Management randomly selects case files at the Regional Offices for quality review. Quality reviews are conducted in all NLRB Regional Offices each year.

FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003 Plan Actual		FY 2004 Projection
100% of regions	100% of regions	100% of regions	100% of regions	100% of regions	100% of regions
FY 2005 Projection		FY 2006 Projection	FY 2007 Projection		FY 2008 Projection
100% of regions		100% of regions	100% of regions		100% of regions

FY 2003 Analysis of Results

The goal for FY 2003 was achieved. Agency managers recognize that measures describing the timeliness of actions must be considered in conjunction with quality measures to assess the Agency's effectiveness in achieving its mission. The annual quality review procedure is only part of a quality control system that affords managers an opportunity to address trends and areas of concern relating to case handling and to balance the need for expeditious action with quality decision-making. Quality review reports were provided to the General Counsel summarizing an evaluation of randomly selected unfair labor practice case files for all 32 Regions.

X. SUMMARY OF PERFORMANCE MEASURES

2003 ANNUAL PERFORMANCE REPORT AND 2005 PLAN

Goal #1: Resolve all questions concerning representation promptly. Performance Indicators	INDICATORS	INDICATORS	INDICATORS	INDICATORS
	FY 2002 Actual	FY 2003 Actual	FY 2004 Projected	FY 2005 Projected
Measure 1 Issue certifications in representation cases within 60 median days of filing of petition.	53 median days	52 median days	60 median days	60 median days
Measure 2 Hold 90% of all representation elections within 56 days of filing of petition.	90.7% within 56 days	92.5% within 56 days	90% within 56 days	90% within 56 days
Measure 3 Hold elections within 42 median days of filing petition.	41 median days	40 median days	42 median days	42 median days
Measure 4 Issue 85% of all post-election reports within 100 days from the date of the election, or in the case of objections, from the date they are filed.	82% within 100 days	85.7% within 100 days	85% within 100 days	85% within 100 days
Measure 5 Achieve voluntary election agreements for 85% of the petitions filed.	87.2%	88.5%	86%	85%

Goal #1: Performance Indicators	INDICATORS	INDICATORS	INDICATORS	INDICATORS
	FY 2002 Actual	FY 2003 Actual	FY 2004 Projected	FY 2005 Projected
Measure 6 Issue rulings on requests for review of Regional Director decisions within a 14-day median. This measure eliminated in FY 2005.	13 day median	14 day median	14 day median	N/A
Measure 7 Issue all test of certification ⁷ decisions in a 80-day median from filing of charge by FY 2008.	135 day median	114 day median	90 day median	90 day median
Measure 8 Decide 90% of representation cases pending at the Board for more than 12 months.	90% reduction of pending cases over 12 months	67% reduction of pending cases over 12 months	100% reduction of pending cases over 12 months	90% reduction of pending cases over 12 months
Measure 9 Conduct quality reviews in 100% of the Regional Offices each year.	100% of regions	100% of regions	100% of regions	100% of regions

⁷ A case that presents the issue of whether an employer has unlawfully refused to bargain with a newly certified union following a representation case.

Goal #2: Investigate, Prosecute and Remedy Cases of Unfair Labor Practices by Employers or Unions Promptly Performance Indicators	INDICATORS FY 2002 Actual	INDICATORS FY 2003 Actual	INDICATORS FY 2004 Projected	INDICATORS FY 2005 Projected
Measure 1 Achieve informal resolution of unfair labor practice cases within a median time of 70 days by FY 2008.	82 median days	68 median days	80 median days	80 median days
Measure 2 Resolve 90% of unfair labor practice cases within established Impact Analysis timeframes. Cases from these targets: Category III = 49 days Category II = 63 days Category I = 84 days	Cat. III: 92.9% Cat. II: 93.3% Cat. I: 94.0%	Cat. III: 95.7% Cat. II: 97.3% Cat. I: 99.3%	Cat. III: 90% Cat. II: 88% Cat. I: 87%	Cat. III: 90% Cat. II: 89% Cat. I: 88%
Measure 3 Settle 95% of meritorious unfair labor practice charges consistent with established standards.	93.7%	92.8%	95%	95%

	INDICATORS	INDICATORS	INDICATORS	INDICATORS
Goal #2: Performance Indicators	FY 2002 Actual	FY 2003 Actual	FY 2004 Projected	FY 2005 Projected
Measure 4 Open hearings within 120 median days from the issuance of a complaint.	121 day median from complaint to open of hearing	104 day median from complaint to open of hearing	120 day median from complaint to open of hearing	120 day median from complaint to open of hearing
Measure 5 Issue 60% of sustained appeals decisions within 60 days of receipt of the appeal of the Regional Directors' dismissal of the charge. This measure was modified for FY 2005 to: "Issue sustained appeals decisions within 90 median days of receipt of the appeal of the Regional Directors' dismissal of the charge."	72% within 120 days	63% within 110 days	60% within 90 days	100% within 90 median days

Goal #2: Performance Indicators	INDICATORS	INDICATORS	INDICATORS	INDICATORS
	FY 2002 Actual	FY 2003 Actual	FY 2004 Projected	FY 2005 Projected
Measure 6 Achieve a 25 median day case processing time, excluding deferral time, for closing those Advice cases where the General Counsel recommended Section 10(j) injunction proceedings. Note: This was changed to a <u>median</u> (from actual) of 25 days starting in FY 2003. Additionally, close 90% of these cases within 30 <u>actual</u> days, excluding deferral time, by FY 2008.	46.2% closed within 25 actual days 53.9% closed within 30 days	Close all cases within 30.5 median days 50% closed within 30 days	Close all cases within 25 median days 88% closed within 30 days	Close all cases within 25 median days 89% closed within 30 days
Measure 7 Issue administrative law judge decisions within 62 median days from the receipt of briefs or submissions after the close of a hearing.	27 median days	33 median days	62 median days	62 median days

Goal #2: Performance Indicators	INDICATORS FY 2002 Actual	INDICATORS FY 2003 Actual	INDICATORS FY 2004 Projected	INDICATORS FY 2005 Projected
Measure 8 File applications for enforcement within 30 median days from referral by the Regional Director.	88 median days	21 median days	35 median days	30 median days
Measure 9 Reduce the number of Unfair Labor Practice cases pending at the Board to 300 by FY 2007. This measure deleted for FY 2005.	471	459	375	N/A
Measure 10 Issue all Unfair Labor Practice decisions pending at the Board within 12 months by FY 2007. This measure modified for FY 2005 to: Decide 90% of Unfair Labor Practice decisions pending at the Board for over 16 months by FY 2008.	53.8% reduction of pending cases over 20 months	46% reduction of pending cases over 18 months	100% reduction of pending cases over 18 months	90% reduction of pending cases over 17 months

Goal #2: Performance Indicators	INDICATORS	INDICATORS	INDICATORS	INDICATORS
	FY 2002 Actual	FY 2003 Actual	FY 2004 Projected	FY 2005 Projected
Measure 11 Resolve compliance cases within established Impact Analysis guidelines. Category III: 91 days Category II: 119 days Category I: 147 days	Cat. III: 95.2% Cat. II: 95.1% Cat. I: 98.0%	Cat. III: 96.1% Cat. II: 95.4% Cat. I: 97.3%	Cat. III: 95% Cat. II: 95% Cat. I: 98%	Cat. III: 95% Cat. II: 95% Cat. I: 98%
Measure 12 Conduct quality reviews in 100% of the Regional Offices each year.	100% of regions	100% of regions	100% of regions	100% of regions

DEFINITIONS

Case: The general term used in referring to a charge or petition filed with the Board. Each case is numbered and carries a letter designation indicating the type of case.

Charge: A document filed by an employee, an employer, a union, or an individual alleging that an unfair labor practice has been committed by a union or employer.

Complaint: A document which initiates “formal” proceedings in an unfair labor practice case. It is issued by the Regional Director when he or she concludes on the basis of a completed investigation that any of the allegations contained in the charge have merit and the parties have not achieved settlement. The complaint sets forth all allegations and information necessary to bring a case to hearing before an administrative law judge pursuant to due process of law. The complaint contains a notice of hearing, specifying the time and place of the hearing.

Compliance: The carrying out of remedial action as agreed-upon by the parties in writing; as recommended by the administrative law judge in the decision; as ordered by the Board in its decision and order; or as decreed by the court.

Dismissed Cases: Cases may be dismissed at any stage. For example, following an investigation, the Regional Director may dismiss a case when he or she concludes that there has been no violation of the law, that there is insufficient evidence to support further action, or for other legitimate reasons. Before the charge is dismissed, the charging party is given the opportunity to withdraw the charge by the Regional Director. A dismissal may be appealed to the Office of the General Counsel.

Formal Action: Formal actions may be documents issued or proceedings conducted when the voluntary agreement of all parties regarding the disposition of all issues in a case cannot be obtained, and where dismissal of the charge or petition is not warranted. Formal actions are those in which the Board exercises its decision-making authority in order to dispose of a case or issues raised in a case. “Formal action” also describes a Board decision and consent order issued pursuant to a stipulation, even though a stipulation constitutes a voluntary agreement.

Impact Analysis: Provides an analytical framework for classifying cases so as to differentiate among them in deciding both the resources and urgency to be assigned each case. All cases are assessed in terms of their impact on the public and their significance to the achievement of the Agency’s mission. The cases of highest priority, those that impact the greatest number of people, are placed in Category III. Depending on their relative priority, other cases are placed in Category II or I.

Overage Case: To facilitate/simplify Impact Analysis, case processing time goals – from the date a charge is filed through the Regional determination – are set for each of the three categories of cases, based on priority. A case is reported “overage” when it is still pending disposition on the last day of the month in which its time target was exceeded. Cases which

cannot be processed within the timelines established under the Impact Analysis program for reasons that are outside the control of the Regional Office are not considered to be overage.

Petition: A petition is the official NLRB form filed by a labor organization, employee or employer. Petitions are filed primarily for the purpose of having the Board conduct an election among certain employees of an employer to determine whether they wish to be represented by a particular labor organization for the purposes of collective bargaining with the employer concerning wages, hours, and other terms and conditions of employment.

Quality: Complete assignments and investigations in a full and thorough manner consistent with high standards of excellence and performance expectations, as well as the National Labor Relations Act and controlling decisions of the Board and the courts.

Quality Review Process: Quality of unfair labor practices and representation case processing assessed through review of a randomly selected sample of Regional Office case files; review all administrative law judge and Board decisions; quality review also involved in Divisions of Advice, Office of Representation Appeals, and Enforcement Litigation's processing of cases arising in the Regional Offices.

Test of Certification: A “test of certification” presents the issue of whether an employer has unlawfully refused to bargain with a newly-certified union. Because the Act does not permit direct judicial review of representation case decisions, the only way to challenge a certification is a refusal to bargain followed by a Board finding. However, because all relevant legal issues were or should have been litigated in the R (Representation) case, the related unfair labor practice case is a no-issue proceeding that can be resolved without a hearing or extensive consideration by the Board.

APPENDIX B

This appendix provides a series of attachments that outline the types of cases arising under the National Labor Relations Act (NLRA) and the basic procedures in the processing of cases within the Agency, as well as an organization chart.

Attachments:

- A. Explanation of Types of Cases
- B. Procedures in Cases Involving Charges of Unfair Labor Practices (ULP)
- C. Outline of Representation Procedures under Section 9c
- D. Organization Chart of the NLRB

TYPES OF NLRB CASES						
1. CHARGES OF UNFAIR LABOR PRACTICES (C CASES)						
Charges Against Employer	Charges Against Labor Organization					Charge Against Labor Organization and Employer
Section of the Act CA	Section of the Act CB	Section of the Act CC	Section of the Act CD	Section of the Act CG	Section of the Act CP	Section of the Act CE
<p>8(a)(1) To interfere with, restrain, or coerce employees in exercise of their rights under Section 7 (to join or assist a labor organization or to refrain).</p> <p>8(a)(2) To dominate or interfere with the formation or administration of a labor organization or contribute financial or other support to it.</p> <p>8(a)(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization.</p> <p>8(a)(4) To discharge or otherwise discriminate against employees because they have given testimony under the Act.</p> <p>8(a)(5) To refuse to bargain collectively with representatives of its employees.</p>	<p>8(b)(1)(A) To restrain or coerce employees in exercise of their rights under Section 7 (to join or assist a labor organization or to refrain).</p> <p>8(b)(1)(B) To restrain or coerce an employer in the selection of its representatives for collective bargaining or adjustment of grievances.</p> <p>8(b)(2) To cause or attempt to cause an employer to discriminate against an employee.</p> <p>8(b)(3) To refuse to bargain collectively with employer.</p> <p>8(b)(5) To require of employees the payment of excessive or discriminatory fees for membership.</p> <p>8(b)(6) To cause or attempt to cause an employer to pay or agree to pay money or other things of value for services which are not performed or not to be performed.</p>	<p>8(b)(4)(i) To engage in, or induce or encourage any individual employed by any person engaged in commerce or in an industry affecting commerce, to engage in a strike, work stoppage, or boycott, or (ii) to threaten, coerce, or restrain any person engaged in commerce or in an industry affecting commerce, where in either case an object is:</p> <p>(A) To force or require any employer or self-employed person to join any labor organization or to enter into any agreement prohibited by Section 8 (e).</p> <p>(B) To force or require any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or force or require any other employer to recognize or bargain with a labor organization as the representative of its employees unless such labor organization has been so certified.</p>	<p>(C) To force or require any employer to recognize or bargain with a particular labor organization as the representative of its employees if another labor organization has been certified as the representative.</p> <p>(D) To force or require any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another trade, craft, or class, unless such employer is failing to conform to an appropriate Board order or certification.</p>	<p>8(g) To strike, picket, or otherwise concertedly refuse to work at any health care institution without notifying the institution and the Federal Mediation and Conciliation Service in writing 10 days prior to such action.</p>	<p>8(b)(7) To picket, cause, or threaten the picketing of any employer where an object is to force or require an employer to recognize or bargain with a labor organization as the representative of its employees, or to force or require the employees of an employer to select such labor organization as their collective-bargaining representative, unless such labor organization is currently certified as the representative of such employees:</p> <p>(A) where the employer has lawfully recognized any other labor organization and a question concerning representation may not appropriately be raised under Section 9(c).</p> <p>(B) where within the preceding 12 months a valid election under Section 9(c) has been conducted, or</p> <p>(C) where picketing has been conducted without a petition under Section 9(c) being filed within a reasonable period of time not to exceed 30 days from the commencement of the picketing; except where the picketing is for the purpose of truthfully advising the public (including consumers) that an employer does not employ members of, or have a contract with, a labor organization, and it does not have an effect of interference with deliveries or services.</p>	<p>8(e) To enter into any contract or agreement (any labor organization and any employer) whereby such employer ceases or refrains or agrees to cease or refrain from handling or dealing in any product of any other employer, or to cease doing business with any other person.</p>
2. PETITIONS FOR CERTIFICATION OR DECERTIFICATION OF REPRESENTATIVES (R CASES)				3. OTHER PETITIONS		
By or in Behalf of Employees		By an Employer		By or in Behalf of Employees	By a Labor Organization or an Employer	
Section of the Act RC	Section of the Act RD	Section of the Act RM	Section of the Act UD	Board Rules UC	Board Rules AC	
9(c)(1)(A)(i) Alleging that a substantial number of employees wish to be represented for collective bargaining and their employer declines to recognize their representative. *	9(c)(1)(A)(ii) Alleging that a substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative. *	9(c)(1)(B) Alleging that one or more claims for recognition as exclusive bargaining representative have been received by the employer. *	9(e)(1) Alleging that employees (30 percent or more of an appropriate unit) wish to rescind an existing union-security agreement.	Subpart C Seeking clarification of an existing bargaining unit.	Subpart C Seeking amendment of an outstanding certification of bargaining representative.	

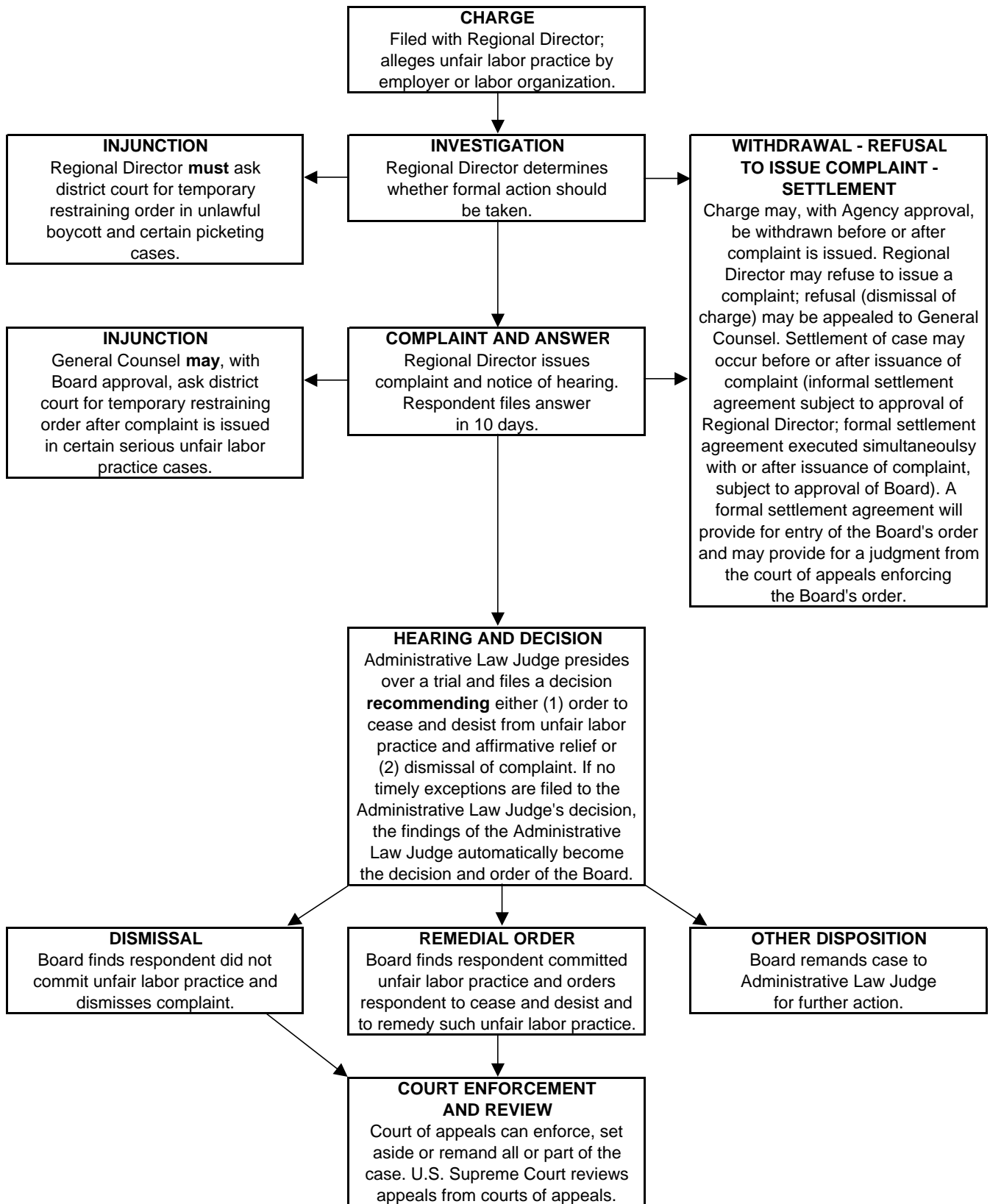
* If an 8(b)(1) charge has been filed involving the same employer, these statements in RC, RD, and RM petitions are not required.

Charges filed with the National Labor Relations Board are letter-coded and numbered. Unfair labor practice charges are classified as "C" cases and petitions for certification or decertification of representatives as "R" cases. This chart indicates the letter codes used for "C" cases and "R" cases, and also presents a summary of each section involved.

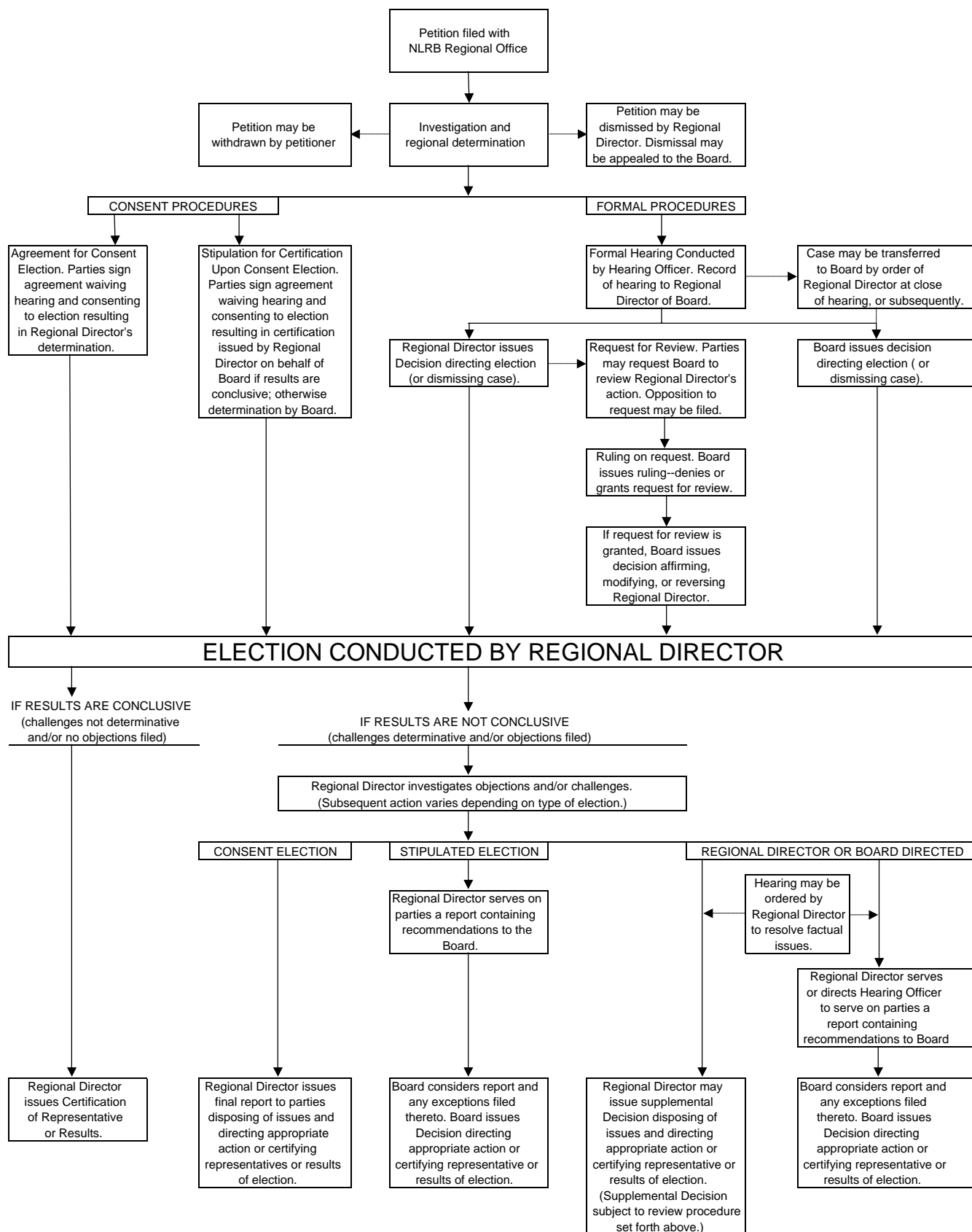
NATIONAL LABOR RELATIONS BOARD

EXHIBIT C

BASIC PROCEDURES IN CASES INVOLVING CHARGES OF UNFAIR LABOR PRACTICES



OUTLINE OF REPRESENTATION PROCEDURES UNDER SECTION 9(c)



NATIONAL LABOR RELATIONS BOARD

ORGANIZATION CHART

